



REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/717,095
Filing Date	November 22, 2000
Examiner Name	H. Robinson
First Named Inventor	Aaron I. Vinik
Group Art Unit	1653
Attorney Docket Number	005126.00001

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.
NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. § 1.114**

a. ☐ Previously submitted

i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).

ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

iii. ☐ Other _____

b. **Enclosed**

i. ☒ Amendment/Reply

ii. ☐ Affidavit(s)/Declaration(s)

iii. ☐ Information Disclosure Statement (IDS)

iv. ☐ Other _____

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)

b. ☐ Other _____

3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 19-0733

i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)

ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)

iii. ☐ Other _____

b. ☐ Check in the amount of \$ _____ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print /Type)	Sarah A. Kagan	Registration No. (Attorney/Agent)	32,141
Signature		Date	October 30, 2002

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

VINIK et al.

Application Serial No.: 09/717,095

Filed: November 22, 2000

For: INGAP PROTEIN INVOLVED IN PANCREATIC
ISLET NEOGENESIS

Group Art Unit: 1653

Examiner: H. Robinson

Attorney Docket No. 05126.00001

AMENDMENT

Assistant Director of Patents
Washington, D.C. 20231

Sir:

In response to the Final Office Action mailed May 21, 2002, Applicants request reconsideration of the patentability of claims 1-24. A request for continued prosecution is filed herewith. Applicants request a personal interview with the examiner and supervisor regarding this application. A request for a personal interview was made after the final rejection but it was not granted. Applicants have requested continued prosecution in order to obtain an interview with the examiner. No fee is believed due to make this amendment filed timely. If any fees are due please charge our Deposit Account No. 19-0733.

Remarks

The Rejection of Claims 1-24 Under 35 U.S.C. § 112, First Paragraph

Claims 1-24 have been rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Applicants respectfully traverse.

Claims 1-24 are directed in general to nucleic acid molecules which comprise all or part of a gene termed INGAP. The rejection is based on the assertion that "the specification does not clearly set forth how

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